

FINANCIAL ASSISTANCE NOTICE



United States Department of Energy (DOE)

Sustainability Performance Office Funding Opportunity Announcement (SPOFOA)

Funding Availability Issue Date:	January 26, 2015
Submission Deadline for Applications:	April 17, 2015
Expected Date for Notifications of Applicants Selected for Award Negotiations:	June 19, 2015
Expected Date for Negotiation Completion and Award Initiation:	July 3, 2015
Contact for Questions	SPOFOA@hq.doe.gov

- To apply for this funding, Applicants must submit all application materials through the Sustainability Performance Office (SPO) at SPOFOA@hq.doe.gov. All questions, concerns, and comments should also be directed to this address.
- Applicants must designate primary and backup points-of-contact with whom SPO will communicate to conduct award negotiations.
- If an application is selected for award negotiations, it is not a commitment to issue an award.

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EXECUTIVE SUMMARY

Program Summary	The SPOFOA will provide direct funding to DOE program offices, sites, National Laboratories, and National Laboratory Managers for the implementation of projects that enable Applicants to improve sustainability performance.
Means of Submission	Applications must be submitted using the SPOFOA Project Application Form to SPO via email at SPOFOA@hq.doe.gov . This form is available online at www.sustainability.energy.gov/SPOFOA . SPO will not review or consider applications submitted through other means.
Total Amount to be Awarded	Up to \$4,000,000, subject to availability of appropriated funding.
Maximum and Minimum Award	The maximum award to be made is \$500,000. The minimum award is \$50,000. Exceptions may be made for projects demonstrating just cause.
Period of Performance	SPO anticipates making awards with periods of performance of up to 24 months.
Eligible Applicants	DOE program offices, sites, National Laboratories, and National Laboratory Contractors, subject to the definitions and requirements described in Section III. Eligibility Information .
Cost Leverage Requirement	A minimum of 30 percent of Total Project Costs must be supplied by the Applicant.
Multiple Applications	Applicants may submit more than one application, provided that each application describes a unique and distinct project.

I. FUNDING AVAILABILITY DESCRIPTION

A. DESCRIPTION/BACKGROUND

The U.S. Department of Energy Sustainability Performance Office (SPO) monitors Departmental sustainability efforts, and is providing financial assistance in support of intra-agency sustainability projects. The role of SPO is to oversee progress toward DOE sustainability targets set forth by Executive Order (E.O.) 13514, E.O. 13423, and related Federal laws and regulations. In an effort to become more proactively involved in the enhancement of Departmental sustainability, SPO is providing financial assistance to support projects that will move the DOE toward meeting its goals.

The principal motivation behind the Sustainability Performance Office Funding Opportunity Announcement (SPOFOA) is SPO's desire to help sites and National Laboratories achieve Departmental sustainability goals. Projects selected for funding under the SPOFOA will support SPO's objectives to reduce costs, increase sustainability, and promote significant recipient involvement through cost leveraging from both Federal and non-Federal sources.

B. TOPIC AREAS/ TECHNICAL AREAS OF INTEREST

The goals of the Applicant's project should be to improve energy efficiency, water conservation, and/or advance DOE facilities toward High Performance Sustainable Buildings (HPSB) compliant status. SPO, however, will consider any type of project that has the potential to move the site and Department toward sustainability goal achievement. While any project that improves Departmental sustainability performance will be considered, the following projects are preferred:

- Projects with the greatest impact on improving site performance in accordance with the OMB Sustainability & Energy Scorecard. Specifically, projects which focus on areas where the site is presently struggling to meet prescribed goals (e.g., HPSB);
- Projects with strong returns on investment, both financially and from an energy/environmental aspect;
- Projects that establish savings reinvestment programs that use savings generated from energy/water conservation measures to fund future site sustainability projects;¹
- Projects that exceed the minimum cost leveraging requirement;
- Projects that effectively leverage alternative financing mechanisms in combination with SPOFOA funds to develop projects with greater potential;
- Projects that utilize new performance contracting agreements; and
- New projects utilizing Energy Savings Performance Contracts (ESPCs) seeking to 'buy-down' the cost of the contract for more attractive financing options.

¹ For an example, see Argonne National laboratory's "Site Sustainability Plan" for FY 2014. http://www.anl.gov/sites/anl.gov/files/SSP%20Report%202014_FINAL_12-6-13.pdf Additional information is provided in Section V.

The SPOFOA does not have any technical restrictions for the project. A successful project proposal must, at a minimum, provide an identification and preliminary analysis of a technically and economically viable capital project or set of projects at a specific DOE-affiliated site or National Laboratory.

Applicants are encouraged to utilize alternative financing resources wherever possible. DOE participates in the President's Performance Contracting Challenge, which calls for an additional \$2 billion in energy efficiency performance contracts by 2016. With this additional goal in mind, sites and National Laboratories are encouraged to use appropriated funds or alternative project financing mechanisms such as Energy Savings Performance Contracts (ESPC), Utility Energy Service Contracts (UESC), or Power Purchase Agreements (PPA) to complement SPOFOA funding. Additionally, projects that support the establishment of sustainability reinvestment programs that can generate funds for future sustainability projects are also of great interest.

Successful projects will culminate in the development and implementation of cost-effective means of meeting DOE sustainability goals. Both emergent and mature projects are encouraged to submit applications to this funding availability, as SPO recognizes that each proposal will be at a unique stage of development. Ancillary activities that facilitate the successful installation and operation of sustainability projects (e.g. infrastructure upgrades) may also qualify if an Applicant can clearly demonstrate that the proposed activities are necessary for the successful implementation. Detailed review criteria are listed in [Section V](#).

C. APPLICATIONS NOT OF INTEREST

The following types of applications will be deemed nonresponsive and will not be considered:

- Applications from sites not eligible for this funding (e.g. non-DOE sites);
- Applications with projects that do not advance site or DOE achievement of Departmental sustainability goals;
- Applications that do not meet the minimum required cost leverage;
- Applications that are primarily research and development activities;
- Applications that have not identified a location for project implementation; and
- Applications for projects that cannot be completed within 24 months.

D. PROJECT PERFORMANCE TARGETS

Project Reviews

Project continuation will be contingent upon the Recipient's satisfactory performance and SPO's critical milestone reviews. At each milestone, SPO will evaluate facets of the project deemed critical to its success. These facets may include (but are not limited to) project performance, schedule adherence, compliance with reporting requirements, and the project's overall contribution to SPOFOA's objectives.

A project's critical milestones will be determined during award negotiations between the

Recipient and SPO. Critical milestones will represent significant decision points along the project lifecycle. The complexity of the project will dictate the extent and frequency of these reviews. Appropriate critical milestones may include, but are not limited to:

- Completed detailed feasibility analysis;
- Selected project developer/vendor;
- Notified Applicant of intent to award;
- Completed final design;
- Selected equipment; and
- Performed an investment grade audit.

All projects will require an initial evaluation through the project summary template and a final report from the Applicant summarizing the project, including a signed letter by the Applicant confirming project completion. Projects considered complex (a designation that will be determined by the review panel) will require additional progress reports.

Project Duration

The period of performance is 24 months. Projects must be completed during this time. It is the Applicant's responsibility to propose a project work plan that is achievable. Funds will not be made available until the proposal has been completed and verified according to the work plan negotiated between SPO and the Recipient. The project work plan will be finalized during award negotiations. The period of performance may be negotiable if the project is being funded from multiple sources with different timetables for payment. However, potential exceptions to the 24-month rule must be addressed with SPO during award negotiations.

Awards may be terminated, cancelled, and/or payments withheld if project progress does not align with the approved SPO project work plan.

Project Impact

All proposed projects must have a demonstrable effect on achieving Departmental sustainability targets as included on the SPOFOA Project Application Form. Projects receiving serious consideration will be those that yield the greatest results in terms of energy/water conservation, improved HPSB status, or that enable the site, National Laboratory, or other DOE sites to implement similar projects.

Bundled Projects

Sustainability projects proposed under this funding availability may be "bundled" with other energy conservation measures; for example, through an ESPC or agency initiative. Applicants are encouraged to bundle creatively wherever appropriate. Complex projects may be required to perform a life cycle cost analysis and submit a more detailed, follow-up proposal prior to an award decision.

II. AWARD INFORMATION

A. ESTIMATED FUNDING

Subject to the availability of appropriated funds, SPO expects to make up to \$4 million of Federal funding available for new awards under the SPOFOA in FY 2015.

B. EXPECTED NUMBER OF AWARDS

The number of awards made will be determined by SPO upon review of the applications. SPO may issue one, multiple, or no awards.

C. MAXIMUM & MINIMUM AWARD AMOUNTS

The maximum award to be made is \$500,000. The minimum award is \$50,000. Exceptions may be made for outstanding projects demonstrating just cause.

D. PERIOD OF PERFORMANCE

SPO anticipates awarding projects with a period of performance up to 24 months. The period of performance for each award will be proposed in the application by the Applicant and finalized during award negotiations between SPO and the Applicant.

After the grant award closeout, Recipients may be contacted by SPO to participate in or provide information for data collection, interviews, case studies, best practices, articles, online publications, or other documentation.

E. PAYMENTS

SPO will make payments to recipients based on critical project milestones in accordance with an approved work plan and funding schedule negotiated between SPO and the Recipient to meet project needs. The funding schedule will include an initial payment of 50% at the start of the project and the remainder of funds will be allocated per negotiated terms relative to critical milestones. SPO reserves the right to release an initial payment of up to 100% in cases it deems that associated funding or project implementation can be optimized.

SPO will not make any payments to Recipients until cost share funding has been secured and documented in writing to SPO. If an interim deliverable or milestone is not achieved by the

specified deadline, the award may be canceled and further payment(s) withheld. This will be determined at the sole discretion of SPO.

III. ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

Only DOE program offices, sites, National Laboratories, and National Laboratory Management are eligible to apply for this funding. A facility (existing or new) must be owned by the DOE to be eligible.

“National Laboratory Management” is defined a private organization responsible for the operation of a Federally-owned national laboratory (e.g., a Government Owned, Contractor Operated facility). A National Laboratory Manager is eligible to apply for this funding opportunity, on behalf of its sponsoring Federal agency. If a project submitted by a National Laboratory Manager is selected for award, the award funding will be provided to the Contractor, and the proposed work will be authorized through an appropriate funding mechanism.

B. COST LEVERAGING

The DOE site or National Laboratory requesting financial assistance must provide at least 30 percent of the costs for the project (co-funding). The amount of co-funding and the source must be specified in the project budget. Co-funding may come from either Federal or non-Federal (private) sources. Note that existing funding provided by SPO cannot be utilized toward this 30 percent cost leveraging requirement. DOE strongly encourages private sector co-funding through alternative financing mechanisms such as ESPC, UESC, PPA contract, and/or local, state, or utility incentives.

To assist Applicants in calculating proper co-funding amounts, SPO has included sample co-funding calculations in [Appendix B](#). Recipients may not use the same contributions to meet co-funding requirements for more than one project or program. SPO will make the final determination regarding whether the Applicant has proposed appropriate cost leveraging based on the information above.

SPO will make the final determination regarding whether the Applicant has proposed appropriate cost leveraging based on the information provided in the documents referenced above. Cost leveraging above the 30 percent threshold will be considered during the merit review process and may increase the likelihood that an Applicant will be selected for funding.

For complex projects, a senior management official must provide a letter of assurance at award nomination to confirm that the project will go forward as described in the application. This is

meant to add a layer of accountability to the site to ensure with a high degree of confidence that the project will be completed as planned. This letter of assurance is not counted as part of the five [5] page supplementary information that may be submitted with the SPOFOA Project Application Form. See sample Letter of Assurance in [Appendix D](#). Applicants may be required to provide additional information and documentation regarding their co-funding contributions.

C. LIMITATION ON NUMBER OF APPLICATIONS ELIGIBLE FOR REVIEW

There is no limitation on the number of applications that can be submitted. Applicants may submit multiple applications, provided that each application describes a unique, separate and distinct project. A project may include multiple facilities at a site (e.g. bundling).

SPO reserves the right, without qualification, to reject any or all applications received in response to this funding opportunity. Additionally, SPO reserves the right to select any application, in whole or in part, as a basis for negotiation and/or award.

IV. APPLICATION AND SUBMISSION INFORMATION

A. APPLICATION PROCESS

Application Deadline

All applications must be completed and submitted by the date on the [Cover Page](#) of this document. Applicants are responsible for meeting the submission deadline, and are advised to submit their materials as early as possible. If the Applicant has submitted materials early and would like to make changes, they may do so until the stated deadline.

Application deadlines will not be extended for those who fail to submit the required information and documents before the due dates. SPO will reject noncompliant, incomplete, and/or nonresponsive submissions. SPO will not accept late submissions that resulted from technical difficulties uploading applications or support documents.

Application Process

Step 1: Completing the SPOFOA Project Application Form

For the initial application, Applicants must use the SPOFOA Project Application Form available online at www.sustainability.energy.gov/SPOFOA to provide project summary information. Instructions for completing this form are provided with the form.

All project applications must include a project overview (in the Existing Conditions and Proposed Project fields of the SPOFOA Project Application Form). However, Applicants may submit up to five [5] pages of supporting information (“Project Narrative”) with the Project Application Form. The Project Narrative should be contained in one digital file in either Microsoft Word or Adobe PDF format.

Step 2: Eligibility Review

Once applications are submitted, they will be reviewed to determine project funding eligibility.

To be eligible, at a minimum, the application must be complete and must include:

- All required information in the first two sections of the application (Facility Information and Project Contacts);
- All requested, applicable information in the white cells of the remaining sections of the application; and
- A simple payback calculation (as calculated in the SPOFOA Project Application Form).

In addition, the project:

- Must support at least one of the OMB Sustainability & Energy Scorecard goals listed on the application;
- Must provide 30 percent of the total project funding from sources other than SPO funding;
- Must not be primarily research and development; and
- Must be able to be completed in 24 months.

Step 3: Initial Grading and Scoring

Once project eligibility has been determined, the project will be reviewed and scored based on the Review Criteria listed in [Section V](#) of this Funding Opportunity Notice. If necessary, the SPO may contact the Applicant to request clarification or supporting information.

Simple project awards may be made based on initial scoring. Complex projects (to be determined by review panel) may require additional documentation or calculations.

Letter of Assurance and Interviews: A letter of assurance is meant to add a layer of accountability and increase the confidence that the project will go forward as described in the application. Complex projects (to be determined by review panel) may require a letter of assurance from the Applicant and/or interviews by SPO. However, SPO will not reimburse Applicants for effort, travel, or other expenses related to such interviews. Telephone conference calls will be the preferred interview process in most cases. SPO reserves the right to incorporate site visits and interviews as part of the project review in special cases.

B. CONTENT AND FORM OF THE APPLICATION

Applications must conform to the following requirements:

1. Application Content Requirements

Each application must be limited to a single project or set of related bundled projects.

Unrelated projects should not be consolidated into a single application. All submissions must utilize the SPOFOA Project Application Form at www.sustainability.energy.gov/SPOFOA to provide the project content. The Applicant must designate an administrative and a technical point-of-contact with whom SPO will communicate regarding the application, and it must include a project overview. Detailed instructions for completing the SPOFOA Project Application Form are provided within the application form.

2. Project Overview and/or Narrative

All Applicants are required attach a Project Narrative of up to five [5] pages that includes pertinent supporting information (e.g. additional data, description, detailed cost analyses, schedules, photos, technical calculations, diagrams etc.). The exact information will vary between applications, depending on the content and complexity of the projects being submitted.

If Applicants exceed the maximum page length for the attached Project Narrative, SPO will review only the first five [5] pages and disregard any additional pages. It is strongly suggested that Applicants address the Review Criteria as discussed in [Section V](#) of this FOA.

C. SUBMISSION DATES AND TIMES

Applications must be submitted no later than 5:00 p.m. EST on submission deadline date provided on the [Cover Page](#) of this funding availability. The SPOFOA Project Application Form, and any supporting Project Narrative, should be emailed directly to SPOFOA@hq.doe.gov. **All email messages containing these or other application materials must have "SUBMISSION" entered at the beginning of the subject line followed by the site or organization sponsoring the application and finish with the name of the proposed project.** For example: **"SUBMISSION: Thomas Jefferson National Accelerator Facility [Project Title]."**

D. FUNDING RESTRICTIONS OR CHANGES

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable Federal cost principles and this FOA. Should SPO decide to revise the FOA, all potential Applicants will be notified by email.

V. APPLICATION REVIEW CRITERIA

All applications will be evaluated against the review criteria shown below. Reviewers may request additional information for complex projects (to be determined by review panel) such as cost information, work plan, and funding commitments.

Criteria	Weighting (%)
1-Project Impact	40
2-Cost Leverage and Budget	30
3-Technical, Economic Merit	20
4-Project Management Plan	10

Criterion 1: Project Impact (40%)

Projects will be evaluated on the potential to move the site and DOE toward achievement of sustainability-related goals reflected in annual reporting requirements such as the DOE's performance on the OMB Sustainability and Energy Scorecard.

Criterion 2: Cost Leverage and Budget (30%)

Projects will be evaluated on the extent to which the project's budget is reasonable and efficiently leverages this award with committed funds and/or financing from other (non-SPO) sources. A minimum of 30 percent co-funding must be provided by the Applicant.

Criterion 3: Technical and Merit (20%)

Projects will be evaluated on the extent to which applications identify and describe the proposed project. Projects should be technically and economically sound. The projects should include defensible energy and cost saving. Projects should include a means to measure and verify cost, energy, GHG, renewable energy production, or water savings through metering or more advanced measures for complex projects. Additional credit will be given to sites which utilize or develop a process to reinvest the proposed project savings into other site sustainability projects.

Sites may include a summary of similar prior efforts. Proposals may include a discussion of key project risk areas (technical, financial, system integration, environmental, etc.) and mitigation strategies.

Criterion 4: Project Management Plan (10%)

Projects will be evaluated on the proposed work plan, including project schedule, deliverable milestones, implementation plan, and team members.

VI. AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES AND AWARD DATES

SPO anticipates notifying Applicants of award status and making awards by the date listed on the [Cover Page](#) of this document. The Applicant must be responsive during award negotiations (e.g., provide requested documentation, information, or clarifications in a timely manner) and meet the negotiation deadlines.

1. Rejected or Unsuccessful Submissions

Designated technical and administrative Applicant contacts will be sent notification by email of rejected or unsuccessful project proposals. The notification will state the basis upon which the application was rejected.

2. Successful Applicants

Designated technical and administrative Applicant contacts will be notified by email of approved project proposals. A notification selecting an application for award negotiations does not authorize the Applicant to commence performance of the project. The notification is not a commitment to issue an award. Applicants do not receive an award until award negotiations are complete and when deliverables are met.

3. Postponed Selection Determinations

SPO may notify one or more Applicants that a final selection determination will be made at a later date, subject to the availability of funds or other factors. A notification postponing a final selection determination until a later date does not authorize the Applicant to commence performance of the project. SPO may ultimately determine to select or not select the Application for award negotiations. Any costs incurred by the Applicant in commencing projects before the SPO executes the funding agreement will not be reimbursed.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. Reporting

Periodic project status reports, calls, and meetings may be required (to be determined by review panel). Reporting may include funding expensed, major accomplishments, and progress toward meeting/achieving project deliverables and milestones.

2. Measurement and Verification

The mechanisms for measuring and verifying the efficacy of the project will be discussed during award negotiations with the Applicant.

3. Intellectual Property Provisions

If the funding agreement is issued by a National Laboratory Manager, the intellectual property

terms of the National Laboratory Manager's Management and Operating (M&O) Contract will apply. Intellectual property rights for non-Federal contractors, such as ESPC contractors, will be set forth in the contracts between the Recipient and the contractor(s).

VII. QUESTIONS/ AGENCY CONTACTS

Questions regarding the content of this FOA can be submitted to SPOFOA@hq.doe.gov. Questions should be submitted at least three [3] business days prior to the application due date. **All inquiry email subject lines MUST begin with "INQUIRY" before giving the message a subject to ensure proper routing.** For example: "INQUIRY: Cost Leveraging Calculations."

APPENDIX A – DEFINITIONS

“Applicant” means the legal entity or individual signing the application. This entity or individual may be one organization or a single entity representing a group of organizations (such as a Consortium) that has chosen to submit a single application in response to a funding opportunity.

“Application” means the documentation submitted in response to a funding opportunity.

“Award” means the written documentation executed by a Contracting Officer, after an Applicant is selected, which contains the negotiated terms and conditions for providing Financial Assistance to the Applicant. A Financial Assistance Award may be a Grant, Cooperative Agreement, or Interagency Agreement.

“Budget” means the cost expenditure plan submitted in the application, including both the SPO contribution and the Applicant Co-Funding.

“Complex Project” is a project proposal that incorporates some or all of the following: multiple funding sources; addresses multiple goals or targets; projects with a high level of technical difficulty; projects that involve unusual circumstances that cannot be otherwise categorized. SPO reserves the right to label a project “complex,” though the relative complexity can be discussed between SPO and the site during award negotiations

“Contracting Officer” means the DOE official authorized to execute Awards on behalf of SPO and who is responsible for the business management and non-Technology Office aspects of the Financial Assistance process.

“Cost Leveraging” means the respective share of Total Project Costs to be contributed by the Applicant outside of the funds awarded by SPOFOA. The percentage of Applicant co-funding is to be applied to the Total Project Cost (i.e., the sum of Applicant plus SPOFOA shares) rather than to the SPO contribution alone. Existing SPO funding not associated with SPOFOA cannot be used for this purpose under this program.

“Energy savings performance contracts (ESPCs)” allow Federal agencies to complete energy-savings projects without up-front capital costs and special Congressional appropriations.

“Financial Assistance” means the transfer of money or property to an Applicant or Participant to accomplish a public purpose of support authorized by Federal statute.

“Grant” means a Financial Assistance instrument used by SPO to transfer money or property when the principal purpose of the transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute, and no substantial involvement is anticipated between SPO and the Applicant during the performance of the contemplated activity.

“Key Personnel” mean the individuals who will have significant roles in planning and implementing the proposed Project on the part of the Applicant and Participants, including third party participants.

“National Laboratory Manager” is defined as an organization responsible for the operation of a Federally-owned national laboratory (e.g., a Government Owned, Contractor Operated facility).

“Modification” means a revision to a funding availability.

“On-site renewable power purchase agreements (PPAs)” allow Federal agencies to fund on-site renewable energy projects with no up-front capital costs incurred. With a PPA, a developer installs a renewable energy system on agency property under an agreement that the agency will purchase the power generated by the system. The agency pays for the system through these power payments over the life of the contract. After installation, the developer owns, operates, and maintains the system for the life of the contract.

“Project” means the set of activities described in an application or other document that is approved by SPO for Financial Assistance (whether such Financial Assistance represents all or only a portion of the support necessary to carry out those activities).

“Project Narrative” is a detailed project plan that will be used to verify with high confidence the viability of a project. Under this funding the Recipient will receive funds only after the Project has been accomplished in accordance with the schedule negotiated between SPO and the Recipient. The Project Narrative is similar to the “Final proposal” required by the ESPC ENABLE program.

“Project proposal or application or Project Application Form” is the term used to describe the documentation submitted in response to a funding opportunity. Also see the definition for Application.

“Project Team” means the team performing or otherwise supporting work under an SPO funding agreement.

“Recipient” means the organization or other entity that receives a Financial Assistance Award from SPO (i.e., is the signatory on the award), is financially accountable for the use of any SPO funds or property provided for the performance of the Project, and is legally responsible for carrying out the terms and condition of the award.

“Responsiveness” is an eligibility determination that refers to the objective technical

requirements (not goals or targets) outlined in a funding opportunity, such as a technology type or technical parameters. For example, submission of a photovoltaic solar panel design in response to a funding opportunity calling for innovative geothermal drilling technologies should be found nonresponsive. The belief that a technology will not achieve the technical targets of the funding opportunity will not be used as a proper basis for a rejection as nonresponsive..

“Selection” means the determination by the SPO Selection Official that negotiations take place for certain Projects with the intent of awarding a Financial Assistance instrument.

“Selection Official” means the SPO official designated to select applications for negotiation toward award under a subject funding availability.

“Total Project Cost” means all the funds to complete the effort proposed by the Applicant, including SPOFOA funds plus all other funds that will be committed by the Applicant as Cost leveraging.

“Utility energy service contracts (UESC)” are a limited-source contract between a federal agency and serving utility for energy management services, including energy and water efficiency improvements and demand-reduction services.

APPENDIX B – SAMPLE COST LEVERAGING CALCULATIONS

How Cost Leveraging is Calculated

As stated above, cost leveraging (co-funding) is calculated as a percent of the Total Project Cost. Following is an example of how to calculate co-funding amounts for a project with \$1M (\$1,000,000) in SPOFOA funds with a minimum 30 percent non-SPO co-funding requirement:

**note: maximum allowable SPOFOA share is 70 percent*

Formula: $\text{SPOFOA share (\$)} \div \text{SPOFOA share (\%)} = \text{Total Project Cost}$

Example: $\$1,000,000 \div 70\% = \$1,428,571$ (Total Project Cost)

Formula: $\text{Total Project Cost (\$)} - \text{SPOFOA share (\$)} = \text{Co-Funding (\$)}$

Example: $\$1,428,571 - \$1,000,000 = \$428,571$ (Co-Funding)

Formula: $\text{Co-Funding (\$)} \div \text{Total Project Cost (\$)} = \text{Co-Funding (\%)}$

Example: $\$428,571 \div \$1,428,571 = 30\%$ (Co-Funding)

APPENDIX C – LEGAL REQUIREMENTS AND RESTRICTIONS

A. TREATMENT OF APPLICATION INFORMATION

In general, SPO will use data and other information contained in applications for evaluation purposes only unless such information is generally available to the public. However, Applicants should not include information that is privileged or confidential in their application unless such information is necessary to convey an understanding of the proposed project or to comply with a requirement in the funding opportunity. Applications containing information that is privileged or confidential, which the Applicant does not want disclosed to the public or used by SPO for any purpose other than application evaluation, must be marked as described in this section.

The cover sheet of the application must be marked as follows and identify the specific pages containing trade secrets or commercial or financial information that is privileged or confidential:

Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain information that is privileged or confidential, and is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance or loan agreement between the submitter and SPO. SPO may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

The header and footer of every page that contains information that is privileged must be marked as follows: “May contain information that is privileged or confidential and exempt from public disclosure.”

In addition, each line or paragraph containing information that is privileged or confidential must be enclosed in brackets.

The above markings enable SPO to follow the provisions of 10 CFR 1004.11 (d) in the event a Freedom of Information Act (FOIA) request is received for information submitted with an Application. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under a FOIA request or otherwise. SPO is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose.

IF a FOIA request covers information submitted to SPO by an Applicant and the cognizant SPO FOIA Officer cannot make an independent determination regarding the suitability of public release with respect to this information, the cognizant SPO FOIA Officer will contact the submitter (the Applicant) and ask for comment regarding the redaction of information under

one or more of the nine FOIA exemptions. However, the cognizant FOIA Officer will make the final decision regarding FOIA redactions. Submitters are given a minimum of seven (7) days to provide redaction comments. If SPO disagrees with the submitter's comment, SPO will notify the submitter of the intended public release no less than seven (7) days prior to the public disclosure of the information in question. (10 CFR Part 1004.11).

B. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL

In conducting the evaluation of applications, SPO may seek the advice of qualified non-Federal personnel as reviewers. SPO may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The Applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

Applicants are required to make a full and complete disclosure of all information requested. Any failure to make a full and complete disclosure of the requested information may result in:

- The modification, suspension, and/or termination of a funding agreement;
- The initiation of debarment proceedings, debarment, and/or a declaration of ineligibility for receipt of SPOFOA contracts, subcontracts, financial assistance and benefits; and
- Civil and/or criminal penalties.

C. RIGHTS IN TECHNICAL DATA

Data rights differ based on whether data is first produced under an award or instead was developed outside the award. SPO will not normally require delivery of confidential or trade secret-type technical data developed solely prior to issuance of an award, except as necessary to monitor technical progress and evaluate the potential of proposed projects to reach specific technical and cost metrics.

SPO normally retains unlimited rights in technical data produced under SPO financial assistance awards, including the right to distribute to the public. However, pursuant to special statutory authority, certain categories of data generated under SPOFOA awards may be protected from public disclosure for up to five (5) years after the data is generated ("Protected Data"). For awards permitting Protected Data, the protected data must be marked as set forth in the awards intellectual property terms and conditions and a listing of unlimited rights data (i.e., non-protected data) must be inserted into the data clause in the award.

D. LETTER OF ASSURANCE - EXAMPLE

[DATE]

FROM:

TO:

SUBJECT: Sustainability Performance Office Funding Opportunity Announcement (SPOFOA)
Letter of Assurance for [SITE/PROJECT]

This letter is to serve as an assurance that funding provided under the Sustainability Performance Office Funding Opportunity Announcement (SPOFOA) will be used for the completion of [PROJECT] as agreed upon between [SITE] and the Sustainability Performance Office (SPO) on [DATE]. As an official sanctioned representative of [SITE], I ensure that [SITE] will properly utilize any funds awarded through this opportunity announcement in adherence to the plans delineated in the Application.

As the site representative, I pledge that the site will comply with the terms, conditions, and objectives set forth in the [SPOFOA Financial Assistance Notice](#) and the approved Application. The project will not be altered to incorporate elements outside the scope of SPOFOA, and any significant modifications will be negotiated with SPO prior to implementation. [SITE] will also make all possible efforts to ensure that the project advances in accordance with the timetable agreed upon during award negotiations with SPO. Furthermore, [SITE] will administer the project such that all project status reports, meetings, measurements and verification that are delineated in the approved Application are met in a satisfactory manner. [SITE] understands that funding provided under SPOFOA is contingent upon continued adherence to all the conditions set forth under the SPOFOA Financial Assistance Notice and negotiated project specifics. Failure to abide by these terms will result in the termination of financial support under this program.

Signed,

_____[NAME]

_____[POSITION]

_____[SITE]